EXHIBIT 19

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1   IN THE UNITED STATES DISTRICT COURT
        FOR THE EASTERN DISTRICT OF VIRGINIA
2   RICHMOND DIVISION
3   _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _
                            :
4   ePLUS, INC.,   :
                            :
5   Plaintiff,   :
     v.   : Civil Action
6   : No. 3:09CV620
     LAWSON SOFTWARE, INC.,   :
7   : January 6, 2011
            Defendant.   :
8   _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _:
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11   COMPLETE TRANSCRIPT OF JURY TRIAL
        BEFORE THE HONORABLE ROBERT E. PAYNE
12   UNITED STATES DISTRICT JUDGE, AND A JURY
13
14
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1   (The proceedings in this matter commenced at
2   9:20 a.m.)
3   THE CLERK: Civil Action No. 3:09CV00620,
4   ePlus, Incorporated v. Lawson Software, Incorporated.
5   Mr. Scott L. Robertson, Mr. Craig T. Merritt,
6   Ms. Jennifer A. Albert, Mr. Michael T. Strapp, and Mr.
7   David M. Young represent the plaintiff.
8   Mr. Daniel W. McDaniel, Mr. Dabney J. Carr,
9   IV, Ms. Kirstin L. Stoll-DeBell, and Mr. William D.
10   Schultz represent the defendant.
11   Are counsel ready to proceed?
12   MR. ROBERTSON: Yes, Your Honor.
13   MR. McDONALD: Yes, Your Honor.
14   THE COURT: All right. Thank you very much.
15   I apologize for keeping you-all waiting this
16   morning. I had a mechanical malfunction that I needed
17   to attend to, and I'm not very mechanically oriented.
18   All right, Mr. Robertson.
19   Dr. Weaver, I remind you you're under the
20   same oath which you took yesterday.
21   THE WITNESS: Yes, Your Honor.
22   BY MR. ROBERTSON: (Continuing)
23   Q Good morning, Dr. Weaver.
24   A Good morning.
25   Q If we could have Plaintiff's Exhibit No. 1 back up

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1   on the screen again, the '683 patent, the cover page
2   here.
3   Dr. Weaver, the jurors have seen this exhibit now
4   several times and it's in their jury notebooks. This
5   is at tab 2. Can you just tell us what is the title
6   of the patent?
7   A Electronic Sourcing System and Method.
8   Q Has the Court defined the term "electronic
9   sourcing system"?
10   A Yes, it has.
11   Q What's your understanding as to what that
12   construction is?
13   A In the glossary of claim terms, the "electronic
14   sourcing system" has been defined by the Court to be
15   an electronic system for use by a prospective buyer to
16   locate and find items to purchase from sources,
17   suppliers or vendors.
18   Q What is your understanding of what a source is,
19   sir?
20   A A source would be a vendor or a manufacturer or a
21   distributor.
22   Q In the Court's construction of the claim term
23   "catalog" or "product catalog," how does the Court
24   define what a vendor can be?
25   A The vendor, in the Court's construction, a vendor

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1 A We sure will.

2 Q The next element of Claim Three, which is

3 color-coded blue and has this means for building a

4 requisition using data relating to selected matching

5 items and their associated sources, what's your

6 understanding as to what a requisition is?

7 A The requisition is the formal list of items that

8 you wish to purchase.

9 Q Moving on to the next element of Claim Three,

10 which is yellow in your illustration. It says, A

11 means for processing the requisition to generate one

12 or more purchase orders for the selected matching

13 items. You mention the term "purchase order" when you

14 were discussing requisitions. How does a purchase

15 order differ from a requisition?

16 A The requisition is the list of things you want. A

17 purchase order is the contract vehicle for buying. So

18 when I have a purchase order and I send it to a

19 company, this is the legal document that says I want

20 to buy the item or items on this purchase order.

21   Requisition is your total list of things you'd

22 like to buy. Purchase orders go to individual

23 companies.

24 Q When you're providing your understanding of the

25 definitions and the meanings of these terms, is that

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1 the same understanding as a person of ordinary skill

2 in the art at the time?

3 A Yes.

4 Q So how would the fifth element of Claim Three be

5 satisfied?

6 A We would have to see a requisition module that can

7 take the formal requisition, which could have many

8 items from many vendors, and then turn that into one

9 or more purchase orders. And, typically, you have all

10 the items from one vendor on one purchase order if you

11 can do it. If they are present.

12 Q Moving on to the sixth and last element of Claim

13 Three, which you have color-coded brown. That element

14 recites means for converting data relating to a

15 selected matching item and an associated source to

16 data relating to an item and a different source. How

17 are we to understand that claim element?

18 A So if I have a list of items and for some

19 reason -- let's say I want to do comparison shopping

20 or say that the item that I want, I've checked the

21 inventory, and it's not available. So there has to be

22 a converting means whereby I can look for similar

23 items, and this is all computer assisted. I can find

24 similar items that I might choose instead of the one

25 that I had initially inquired about.

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1   MR. McDONALD: Your Honor, I'm going to

2 object to this question about this. This is a

3 means-plus-function clause and he's asking him what it

4 means. It should be done in the context of the --

5   THE COURT: I was just looking at page 2 of

6 the glossary. I think that's been defined over there.

7   MR. ROBERTSON: I was just going to ask him

8 to go to that page.

9   THE COURT: Don't be having him give his own

10 constructions, please, before you ask him to go to the

11 ones that have been construed.

12 BY MR. ROBERTSON:

13 Q If you go to page 2 of the Court's glossary, Dr.

14 Weaver.

15 A Yes.

16 Q What's the function that's being defined here on

17 the means for converting data for this claim element?

18 A The function of this element is converting data

19 related to a selected matching item and an associated

20 source.

21 Q According to the Court, how can this function be

22 accomplished? By what structure?

23 A The corresponding structures, materials or acts of

24 this element are disclosed as one or more non-catalog

25 databases identifying cross-referenced items,

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1 identical items, or generally equivalent items; one or

2 more cross-reference tables or file identifying

3 cross-referenced items, identical items, or generally

4 equivalent items; one or more codes corresponding to

5 cross-referenced items, identical items or generally

6 equivalent items; and their equivalents.

7 Q In that definition there are non-catalog databases

8 identifying cross-referenced items, identical items or

9 generally equivalent items, cross-reference tables or

10 files and one or more codes.

11   As a computer scientist, can you tell us what your

12 understanding as a person of ordinary skill in the art

13 would understand those three terms to mean?

14 A Sure. So a non-catalog database is a file that is

15 not part of the physical structure of the database

16 system. So it's an external file.

17   In this context, it's identifying the

18 cross-referenced items. So, for instance, we might

19 have a vendor -- think of a file that has records.

20 Think of that as a row in a table. We might have one

21 vendor's part number and a second vendor's part number

22 in that row. And if this is in a cross-reference

23 index that indicates in this context that those two

24 part numbers are identical or generally equivalent --

25 let's see. What was the next one? Okay.

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1   A Yeah, okay. So the catalog database is the

2   electronic form of the catalogs all put together so

3   that they can be searched. That is the catalog

4   database.

5   Q Does the Lawson procurement system include a

6   database in its inventory control module?

7   A Yes, it does.

8   Q Can supplier product catalog be loaded into that

9   control module?

10 A Yes, we'll see that.

11 Q What's the selection icon?

12 A Of all the catalogs that are in the database, the

13 user interface provides a way to select one or more

14 that are going to be searched.

15 Q Now, you have all of these modules I see here

16 within a gray box. What are you trying to illustrate

17 there?

18 A The gray box is the Lawson system.

19 Q And these are the various components?

20 A These are components, modules.

21 Q There's an icon there for searching for matching

22 items. Do you see that?

23 A Yes.

24 Q What did you intend to illustrate there?

25 A Using the user interface, one engages a search

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1   program and gives it a search query or initiates a

2   search using a characteristic of a drop down menu.

3   And the search engine then engages and returns items

4   that match the query.

5   Q Did you examine a Lawson software program that

6   permits a user of a Lawson system to perform that

7   functionality?

8   A Yes, the requisitioning system does that.

9   Q You have building a requisition icon here. Do you

10 see that?

11 A Yes.

12 Q Please explain what you're intending to illustrate

13 there?

14 A So in the Lawson system you build a shopping cart,

15 then you add and delete items from it until you're

16 satisfied with it. And then you do a checkout from

17 the Lawson system. And that engages the requisition

18 system and builds the requisition of all the items

19 that you want to order.

20 Q Are you familiar with the term "a shopping cart"?

21 A Yes.

22 Q Is that consistent with your understanding of

23 building a requisition?

24 A Well, it's not the requisition. It's the data

25 structure that can be modified. You can add and

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1   delete to it. So in computer terminology, we call

2   this a cache, a C-A-C-H-E. So it's a data structure

3   that holds data, and then it's going to be transferred

4   to the requisition module, and it's in the requisition

5   module that the requisition is created.

6   Q All right. Thank you for that correction. So is

7   it consistent with an order list?

8   A The order list is the shopping cart and that's

9   what becomes the requisition.

10 Q Did the Court define what an order list is in its

11 glossary of claim terms?

12 A Yes. A list of desired catalog items.

13 Q Did you apply that construction in doing your

14 infringement analysis?

15 A Absolutely.

16 Q Next you have an icon for generating purchase

17 orders. Do you see that as part of the overview of

18 the Lawson procurement system?

19 A Yes.

20 Q Can you explain that process here?

21 A So we've got our requisition. This is our formal

22 list of the things we want to buy. It might have one

23 item. It might have a hundred items. The items might

24 be from one vendor or they might be from 100 vendors.

25 Whatever that requisition says, the purchase order

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1   module takes that requisition and typically pulls out

2   all of the requisition items that are going to be

3   ordered from a single vendor and creates a purchase

4   order for that vendor. Then it pulls all the items

5   that go to another vendor and creates a separate

6   purchase order for the second vendor and so on until

7   all the items in the requisition have appeared in some

8   purchase order.

9   Q Did you do analysis of any Lawson software program

10 or module that performs that functionality?

11 A Yes, we're going to see that, and it's going to be

12 the Lawson P.O. 100 program. Their purchase order

13 program that converts a requisition into one or more

14 purchase orders.

15 Q Now, you've illustrated a number of arrows between

16 these various software programs or modules that you've

17 identified as part of the overall Lawson infringing

18 system. What are you intending to indicate by those

19 arrows?

20 A Well, the arrows with the single head indicate

21 unit directional information flow. The arrows that

22 are double-headed indicate bidirectional data flow

23 back and forth.

24   So, for instance, the arrow here between selection

25 and searching, you use that user interface to engage

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1   A   Yes, you can.

2   Q   Now that we've gone through some of the various -- and

3   overviewed some of the various different Lawson Software

4   modules that can be used to implement these electronic

5   procurement systems, do you have any demonstrations that you'd

6   like to do to show the Lawson system in operation?

7   A   First demonstration would show the category search

8   feature.

9   Q   And you have this, these demonstrations, as I understand,

10   both in captured screen shots -- is that right -- captured

11   software and also in hard copies?

12   A   That's right.

13   MR. ROBERTSON: Your Honor, I'm going to be offering

14   both those for ease of review at the appropriate time.

15   Q   How were you able to capture a demonstration of the system

16   using the Lawson Software?

17   A   So Lawson provided a demonstration system that included

18   these modules that we've been talking about, and it runs on a

19   laptop. So we used -- we practiced to get the demo correct in

20   the sense that it showed what I wanted it to show, and then we

21   used software that was present on the machine that we were

22   given that did a realtime recording of whatever was on the

23   screen. So it's a realtime movie capture.

24   Q   Who provided that software?

25   A   That was provided by Lawson on the machine we got. So as

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1   we did these demonstrations, we used that Lawson-provided

2   software to create a realtime movie which we saved and which

3   now we're going to play back.

4   Q   Did that laptop come with item data?

5   A   Well, it came with some item data which turns out to be an

6   issue. The database that we were provided from Lawson was

7   actually pretty sparse, so, yes, it had some items in there,

8   but it wasn't fleshed out like a production system would be.

9   Q   In order to demonstrate some of the capabilities and

10   functionality of, say, comparison shopping or using the UNSPSC

11   codes to identify goods that are similar, identical, or

12   generally equivalent, do you need data, item data in the

13   database to demonstrate that?

14   A   Absolutely.

15   Q   And if you don't have, for example, a sufficient number of

16   black pens to compare, or if you have only have one black pen

17   and you're searching for black pens, can you demonstrate some

18   of the functionality of the system if that item data is not

19   there?

20   A   That's right. Without equivalent items, there are no

21   equivalent items to be found.

22   Q   So were you aware that a request was made to Lawson to

23   provide additional data on this demonstration laptop that they

24   gave us so that we could demonstrate the functionality of the

25   system?

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1   A   Yes, I'm aware of that.

2   Q   And what was your understanding as to what the outcome of

3   that was when the requests were made?

4   A   Well, I don't know the details. What I know is that

5   eventually a Lawson consultant was hired to help load some

6   additional data. Even so, three of the demonstrations that I'm

7   going to give were on the system as provided by Lawson. Only

8   one needed additional data loaded.

9   Q   And a Lawson employee or personnel worked with ePlus

10   personnel to help them load additional data -- excuse me.

11   Worked with ePlus's counsel to load additional data on this

12   laptop for that one presentation?

13   A   That's my understanding.

14   Q   Now, based on the documents you've reviewed and based on

15   testimony reviewed, do these Lawson accused procurement systems

16   typically come with lots of item data?

17   A   Well, when the database is loaded, the witnesses said that

18   there are typically hundreds of catalogs and thousands,

19   sometimes tens of thousands of items.

20   Q   So with that kind of robust data in the database, it's

21   easier to show the full functionality of the system; is that

22   fair to say?

23   A   That's fair to say. However, we're going to do it.

24   Q   All right. Then as I understand it, three of the four

25   demonstrations were just as the laptop was provided to counsel

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1   for ePlus?

2   A   Yeah. We could say out of the box, the box being the

3   laptop.

4   Q   One being with the additional data that Lawson assisted

5   ePlus's counsel in loading; is that right?

6   A   That's correct.

7   Q   The first demonstration you have, what do you want to

8   illustrate?

9   A   I want to illustrate the category search in which we can

10   find generally equivalent items and then we can find other

11   items and build a requisition, and then we can build one or

12   more purchase orders from that requisition.

13   Q   Okay. And did you direct the preparation of this

14   demonstration?

15   A   Yes, I did.

16   Q   All right. If we can, before we do that, just so we can

17   orient the jury as to what they're going to see, can we see

18   claim three and claim 28 side by side on the screen?

19   Now, both these claims, claim three being the system claim

20   and claim 28 being a method claim, has this element concerning

21   converting data relating to a selected matching item and

22   associated source to data relating to an item in a different

23   source; do you see that?

24   A   Yes. That's the sixth element.

25   Q   The Judge has construed both these claim terms; correct?

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1 A   Yes.

2 Q   And I'm not going to go through it again because we read

3 them at one point, but the jury has them in their glossary.

4 And, of course, all the other elements need to be there as

5 well. Are we going to be seeing, as we walk through this

6 demonstration, the existence of these other elements that you

7 described?

8 A   Yes.

9 Q   Why don't you go ahead.

10 A   All right. So Mike is going to play this movie, and

11 you'll see there are some waits involved in here, but that's

12 just because it's recording exactly what was seen.

13 Q   Stop here for a second and let me ask you a question here.

14 There's a box in the lower right-hand corner. Is that part of

15 the Lawson system or not part of the Lawson system?

16 A   That was part of the system provided, and it's part of the

17 realtime capturing software, so you can -- what's showing --

18 can you see this? So what you are seeing right now is a clock

19 that says we're 12.4 seconds into the movie, and then there's a

20 button that if you were on the real laptop, you could click it

21 and it would toggle from pause to play to pause to play. We've

22 chosen just to let it play.

23 Q   If we wanted to --

24   MR. McDONALD: Your Honor, could I get a

25 clarification on which exhibit, and is there a paper version of

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1 this one so we know what you are using?

2   MR. ROBERTSON: It's going to be Plaintiff's

3 Exhibit 376 is the video, and Plaintiff's Exhibit 374 would be

4 the hard copy paper capture of the screen shots.

5 Q   So we're clear, this is like the video playback? We can

6 do the stop, forward, reverse by using these tools if we need

7 to go back at any time?

8 A   Well, these tools are for the original capture. Mike and

9 I are going to do it manually. I'm going to say stop and

10 continue and probably say go back.

11 Q   We may have to go back because it moves quickly sometimes?

12 A   Sometimes it's too quick, and sometimes it's too slow.

13 Right now we're going to start with a go back, so go back to

14 the beginning.

15   All right, so as the laptop screen exists, first I'm going

16 to bring up the browser. I'm going to use Internet Explorer,

17 so here we go. Stop. Now, again, I'm just going to tell you,

18 you're going to see some times when not much is happening, but

19 this is just a true-to-life recording of exactly what was on

20 the screen at the time.

21   Okay, so in your ordinary Internet Explorer browser, I've

22 clicked on the favorites tab, and one of the favorites that

23 I've saved is the Lawson portal.

24 Q   Is this an example of the drop-down menu you were talking

25 about earlier?

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1 A   Sure. Exactly. So I'm going to go down and click on

2 Lawson portal. Continue. Now, this is one of those waits.

3 Okay. We get to the Lawson log-in screen. So we put in the

4 user name and password and then click on log in. This will be

5 one of those longer waits. You can see the time clicking away

6 in the bottom right-hand corner.

7   Stop. So now we are at the Lawson home page, and if you

8 are familiar with browsers, you see up here, there is the URL

9 that we're using. LSF server, that's Lawson server foundation,

10 that's what we talked about before. Server.corpnet.lawson.com.

11 So we're looking at the portal.

12 Q   All right, you used the term URL. Can you explain to the

13 jurors what you mean by that?

14 A   Falling back into my vernacular. Universal resource

15 locator, so commonly called a web address. Okay, so we can

16 continue. Top. Stop. That was stop, not top. Here's another

17 one of those drop-down menus. So on the left-hand side, I have

18 a menu. One of the top level choices was requisition self

19 service. So I'm going into the RSS module, and I'm picking one

20 of the activities that is there. This is one of the

21 capabilities. All right, so I'm going to click on the shopping

22 selection. Continue.

23   Stop. So, now we come to the shopping screen. Again, if

24 you look up here at the top, you will see there are some

25 choices that can be made. These are, again, top levels of what

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1 will be drop-down menus. I'm going to go click on this

2 find/shop, and that's going to give me additional choices.

3 Continue.

4   Stop. So here are the choices. I can search the

5 catalogs, I can do a Punchout. I'm going to do that later.

6 Down there at the bottom is categories. So I'm going to go

7 down and click on categories, because I want to do a category

8 search. Continue.

9   Stop. Now, remember with the UNSPSC codes, we said that

10 there were four levels: Segment, family, class, and commodity.

11 So what is showing here in the category tab, the category

12 window, is the first three of a small set of these top level

13 categories, these segment categories. So, remember, there

14 could have been a hundred of them, 00 to 99, but here, for

15 clarity, everyone exchanges those digits for names so that they

16 have -- they make sense to humans.

17   So my top choice there, live plant and animal material and

18 accessories and supplies, that's one of the segment codes.

19 Now, I don't know what code it is, 23, 99, I don't know. It

20 doesn't matter. It is representative of what is in this very

21 broad segment. So I'm going to scroll down and show you the

22 others, and then I'm going to come back and pick one in the

23 middle. Continue. See, we only had about six there. Stop.

24 Q   Let me ask you a question about that then. There are only

25 six here to illustrate the functionality of it. Does the

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1 Lawson requisition self service you are using here have the
2 capability to have more?
3 A   Absolutely.
4 Q   How many could it have?
5 A   It could be a hundred different segments. Each of those
6 segments could have a hundred families. They could each have a
7 hundred classes. They could each have a hundred commodities.
8 Q   I noticed you clicked on one of these segments?
9 A   The one I clicked there in the middle is communications
10 and computer equipment and peripherals and components and
11 supplies. So you can see how broad a category that segment
12 name represents. So what we're going to do now is drill down
13 to become finer-grained.
14   So having clicked on that top level segment -- continue --
15 stop. So underneath the segment is the family. Now, here we
16 show that there's very little data in the system we were
17 provided. Whereas there could be a hundred different family
18 names, there's only one. So due to the paucity of data here,
19 I'm going to click the only possibility I've got.
20   All right, so I've done the segment. This is the family.
21 I'm going to click on the family name, hardware and
22 accessories. Continue.
23   Stop. So now we're down to the class. There could have
24 been a hundred classes, but, again, because there's so little
25 data here, there's only two. So as I look at the class, I have

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1 a choice of computers or monitors and displays. So I'm going
2 to go for computers. Continue.
3   Stop. Now I'm down to the commodity level. The
4 commodities, there should be a lot of them, but because of the
5 paucity of data here, we have only one commodity category,
6 notebook computers. So I'll click the only choice I've got,
7 and then that will list the actual item data that is underneath
8 the notebook computers commodity code. Continue.
9   Stop. So now we see all of the items in the database that
10 have the UNSPSC code for notebook computers, and there's only
11 two, okay? Small database.
12 Q   So I understand, for the segments, there could have been
13 thousands, for families there have been --
14 A   Hundreds.
15 Q   Hundreds. What is the next level?
16 A   So you start with segment.
17 Q   Class?
18 A   Could be a hundred. Then family -- each of those segments
19 could have a hundred, and then each of those families could
20 have a hundred classes, and each of the classes could have a
21 hundred commodities.
22 Q   Those commodities, you could have thousands of items?
23 A   Right. Once you get down to the commodity level, you have
24 unlimited number of items that map to that code. Here we have
25 two. Okay, it's going to do the job, though.

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1   All right, so I'm going to look at these two computers.
2 You can see the first line item there is an IBM ThinkPad, and
3 it has an item number of 6001. The one below it is a Dell
4 Inspiron 8000. It has an item number of 6020. So I'm going to
5 go click on the item number, and that's going to get us a
6 description of this item.
7 Q   Before you do that, Doctor, does it have unit measure
8 category?
9 A   Right. Under UOM, you see each.
10 Q   Does it have cost information?
11 A   Under cost, the ThinkPad is 2,500. The Dell is 2,000.
12 Q   Does it have description of the item?
13 A   It has a description, IBM ThinkPad T20 or Dell Inspiron
14 8000 with Intel Pentium processors.
15 Q   You indicated it had an item number?
16 A   There is an item number.
17 Q   And it even provides for the Intel Pentium or the Dell
18 Inspiron, the manufacturer?
19 A   I just covered up the description. Yeah. So not only do
20 we have in this case the name of the computer, Dell Inspiron
21 8000, we also have a little more descriptive information, that
22 it's an Intel Pentium III processor.
23   Okay. We'll continue. Oh, and stop. I should also note
24 while we're here that over here is the Dell shopping cart, and
25 it's obviously empty. It's supposed to be empty --

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1 Q   I think you misspoke. I think you said the Dell shopping
2 cart.
3 A   I misspoke. This is the Lawson shopping cart right here
4 where it says my cart. And so as I select items, they will
5 show up in the shopping cart, but we'll see that. All right,
6 so now I'm READY to drill down on the ThinkPad. Continue.
7   So I click on that item number. Stop. And this retrieves
8 the data in the item master and vendor item table database and
9 tells me about the item. So we have an item number, we have a
10 description, a unit of measure, a cost.
11   We have a source vendor ID, 118, and a source vendor name,
12 Office Max. So from observing this information that is
13 produced, I know that this IBM ThinkPad has a vendor source of
14 Office Max.
15 Q   Let me stop and ask a question, Doctor. There's a box
16 there that says image not available. Does this RSS application
17 have the ability to load images of the items offered for sale?
18 A   It does, and the documentation encourages one to do so.
19 But, again, because of the paucity of data, we didn't have any
20 item images in the data we were given.
21 Q   This is how it was provided to us; it could have been
22 provided with an image, because the software permits you to do
23 that?
24 A   Right. It could have been chock-full of images, but it
25 wasn't. Okay, so I'm going to scroll down and up so you see

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1 all of the information that was presented to me as the user of
2 the RSS system, and then we'll go back and look at the other
3 Dell computer. So continue. So now I'm going to add that to
4 the cart.
5   Stop. So here in the Lawson shopping cart, I have my IBM
6 ThinkPad T20, item number 6001; quantity, one; unit of measure,
7 each; cost, $2,500. So I'm going to park this item in the
8 shopping cart, but then I'm going to go back and look at the
9 equivalent items, equivalent in that they had the same UNSPSC
10 code.
11   All right, so we'll continue, and I'll click on this back
12 button over here. So here -- stop. Here is that second line
13 item as we saw before, the Dell Inspiron. So I'm clicking on
14 its item number, and we'll drill down on that and see what
15 information is provided there. Continue.
16   Stop. So similarly to what we saw before, this is the
17 other machine. It's an item -- I wiped it out. Item 6020, a
18 Dell Inspiron 8000 with Pentium III processor, a unit of
19 measure each, and a cost of 2,000. But it has a source vendor,
20 ID code of 124, and a source vendor name of Diablo.
21   So the first computer, the ThinkPad was coming from the
22 Office Max catalog. This is coming from the Diablo catalog.
23 So I stare at that, and I think which of these machines is a
24 better choice for me. I'm cheap, so I'm going to go with this
25 one. So I will add this one to the shopping cart, Lawson

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1 shopping cart, and delete the other one. So continue.
2   Okay, now stop. So now I have both notebook computers in
3 the Lawson shopping cart, and I'm going to go up here to this X
4 and delete the ThinkPad. Continue.
5   And like all good software, it asks me, do you really want
6 to delete that, and I say, yes. Okay. Stop. So at this
7 point, I have done the UNSPSC code, found two generally
8 equivalent notebook computers, chose one, added it to the
9 shopping cart, added the other one to the shopping cart,
10 deleted the first one.
11   So I've been able to convert one item from one source, the
12 ThinkPad from Office Max, into an equivalent item from another
13 source, the Dell Inspiron here, and having done that, I'm now
14 going to go back and pick another category and find another
15 item to add so that I'll have multiple items in my shopping
16 cart.
17   Okay, so I'm backed out -- because I did that drop-down
18 menu to categories, I'm back at the highest level, the segment
19 level. So continue. Scroll down. Stop. So this time my
20 segment level is laboratory and measuring and observing and
21 testing equipment. Continue. Stop. My family, again, there's
22 only two here, laboratory and scientific equipment, or
23 measuring or observing, or testing instruments and accessories.
24 Continue.
25   So I pick at my family, laboratory and scientific

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1 equipment. Stop. Oh, I might also note that the hierarchy
2 tree is being kept for me up here at the top. Here's my
3 segment level, here's my family level. As soon as I click here
4 on my class level, it will appear here and so on.
5   All right, so I'm about to click on laboratory,
6 environmental conditioning equipment for my third category.
7 Continue.
8   Stop. Okay, now, again, we're down to commodities. There
9 could be a hundred of these, but there's not. There's just
10 one. There's one commodity called glove boxes. So when I
11 click on this, I will see all the items in the item master
12 database and the vendor item table that have been encoded with
13 the UNSPSC code for glove boxes. Continue.
14   Stop. Once again, the database is small, so there's only
15 two entries under the commodity heading. Both of these are
16 boxes of sterile surgical gloves, so I'm going to pick one and
17 add that to my Lawson shopping cart. Continue. I'm going to
18 look at it first. Smart shopper.
19   Stop. All right. So I just did a drill-down as I did
20 with the computers. So you see we have an item number, 1036,
21 we have a description, gloves, sterile surgical, size seven. A
22 unit of measure. Here it's case, cost, 400 bucks, source
23 vendor. The ID number is 117, and the source vendor name is
24 Baxter Healthcare.
25   Continue. So scroll down and back up, and add that to my

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1 shopping cart. So here it is, gloves at the top, Dell computer
2 at the bottom. Now stop. I have finished shopping, so I have
3 the information from the database now in the shopping cart. My
4 next goal is to create a requisition. Then I'll need to get
5 that approved, and then I'll need to get that turned into
6 purchase orders.
7   So since the gloves and the Dell came from different
8 vendors, I will need two POs, one to each of those vendors, so
9 I'm going to click on checkout. Continue. All right, saved.
10   Stop. So it gives it a number, 911. So when I come into
11 this system next, I'm going to come in as a manager, and I'm
12 going to look for this order 911 that is existing in the
13 system. I'm going to find it among all other orders, and then
14 I'm going to get it approved. All right, continue. Status
15 needs approval.
16   All right, back to the portal home page, and now I'm going
17 to come in as a manager. Here are some requisitions, but 911
18 is not among them. Stop. Here is the requisition 911, and
19 that's the one I need to have approved. Continue.
20   Stop. So here we pull up the requisition, you see right
21 there, and we have the two line items, the Dell Inspiron and
22 the case of gloves. So I've logged in now as the manager when
23 I clicked on manager, and so here are the actions I can take:
24 Approve, reject, or unrelease, so I'm going to approve these.
25 Continue.

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1   Okay, approve, approve action to be taken. Okay. Work
2   object. Taken, all right. Stop. So at this point, it looks
3   like -- superficially it looks like I'm done. It looks like
4   I've got it approved, but in this particular example, there
5   were additional business logic rules that said, aha, you have a
6   computer in there. That's a technical thing, so you need
7   technical approval in addition to manager's approval. Okay,
8   we'll go get that, too, so back I go as a manager. Continue.
9   Approve technical items, find 911. There it is. Stop.
10 And so now what I'm going to be approving is the fact that it's
11 got a computer in there. Continue.
12   Stop. While we're here, we may as well show, to show that
13 I'm doing the technical approval, we have this item detailed
14 down here that says it's the Dell computer from Diablo that I'm
15 approving. So I go back up to approve it.
16 Q   Let me stop you for a second, Doctor, and ask you, we've
17 been seeing a number -- some of the features that we're going
18 to be talking about in the claims that were necessary about the
19 product catalog and selecting product catalogs and doing
20 comparison shopping using UNSPSC codes.
21   MR. McDONALD: I object to the form, Your Honor.
22 That wasn't a question.
23 Q   Let me ask this question: This approval process, is this
24 part of the claimed elements that are being asserted here?
25 A   No.

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1   Q   Because there's an approval process which is an additional
2   step or additional feature that's there beyond the claim
3   elements, does that render a system non-infringing?
4   A   No.
5   Q   Having this approval process is irrelevant to the analysis
6   when the jury needs to go back and determine whether or not the
7   functionality either satisfies a system or method?
8   A   That's correct.
9   Q   Thank you.
10 A   Okay, so we're ready now to do the technical approval.
11 Continue. So I'll click approval, approval action taken. Work
12 object dispatched. Stop. Now, you heard me say earlier that
13 in the purchase order module, there's a program called PO 100
14 that turns requisitions into purchase orders. So I'm going to
15 run that program, PO 100, and I'm going to tell it which
16 requisition to go get. You might -- you may or may not recall
17 that I said that information gets cached in the system and
18 retrieved.
19   This is retrieving the requisition data by the purchase
20 order module, and then we'll see it generate POs. Okay, so now
21 we're ready to run the PO 100 program. Continue.
22   Stop. So here is the opening screen for the PO 100
23 program. So I'm going to fill in job name and job description,
24 I'm going to put in three pieces of information that the system
25 requires. Here this has -- this part has nothing to do with

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1   infringing. This is just how you make the system work, and
2   then we'll see it -- turn the requisition or choose the
3   requisition and then we'll see it.
4   We've chosen the requisition, or have we? No, we're about
5   to because I'm going to give it a name, and then we'll see it
6   generate POs.
7   So I'll call this job RQ911, give it a name, requisition
8   number 911. Default delivery is five days. Release the
9   purchase orders, yes. Choose an option for exception reports.
10 There are some other boxes that are available. I don't need
11 any of these. I'll go back to the main tab, and, okay, that's
12 all I need to do, so I add this. And now I'm ready to submit
13 it to the system for -- by submit, I mean turn the requisition
14 into a PO. So I click on submit, give this a submit -- all
15 right, and stop.
16   Now, this process is actually running what we call in the
17 background. The foreground is this PO 100 screen, and the
18 program is running in the background converting the requisition
19 to a purchase order, so when this was done in realtime, enough
20 time had elapsed for that process to occur and for a report to
21 be generated which is the purchase order.
22   So what I'm going to do next is just go look at it,
23 because it's been created. I just can't see it yet, so
24 continue. I'm going to go up here to the print manager and
25 click on that. Stop.

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1   So here this print manager keeps copies of the things it
2   creates, and the very top one on the list is that job that I
3   just named requisition number 911, and it was operated on by
4   the PO 100 program. So when I go click on this, I'm going to
5   reveal the purchase orders that have been created. Continue.
6   Stop. So if you think of this screen and then the
7   scroll-down menu as a big piece of paper, up here at the top we
8   have some information like when it was run, and then here we
9   have information that's important to a purchase order, namely
10 who is doing the purchasing.
11   So in this case, the buyer is the Metropolis Medical
12 Center, and it's their -- somewhere in here it will say the
13 delivery location is main. Well, I don't see that yet. It
14 doesn't matter. What we're going to do now is scroll down a
15 bit more. Okay, continue.
16   Move from side to side, there's nothing to the right.
17 Stop. So here is the first purchase order. Our buyer,
18 Metropolis Medical Center, we have a vendor, 117. Baxter
19 Healthcare is that vendor. We have an item number 1036. We
20 have a description, sterile surgical gloves, size seven. Its
21 source document was requisition 911. Quantity is one. Unit of
22 measure is a case, and here's what I was looking for. The
23 requesting location is main. And then here, the PO has been
24 released. So this system has created the purchase order and
25 released it.

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1   Now, that's the first of two. So now I'm going to scroll
2   down some more. Continue. Stop. And here's the second PO.
3   So it's at the bottom of this conceptual sheet of paper. So,
4   again, we have the buyer, Metropolis. We have a vendor, number
5   124 from Diablo. The item number is 6020. The item
6   description is the Dell Inspiron 8000. It came from the 911
7   requisition. I'm ordering one of them in unit of measure each,
8   and I'm delivering it to main.
9   Now, here, for the second PO, it has been released. So
10   two POs have been created and released, and the report
11   summarizes two POs created. That's the end.
12   Q   Thank you. Now, Doctor we're going to be going through
13   some more documents, and we have three more demonstrations to
14   sort of illustrate the functionality of this accused system.
15   And at some point, I'm going to be asking you to go through all
16   12 of these asserted claims for each element under the Court's
17   claim construction. Are you going to be able to do that for
18   me?
19   A   Sure.
20   Q   At this point, just keeping the Court's claim terms in
21   mind, let me just ask you, at a high level with respect to this
22   demonstration we just saw, and keeping the claim three and
23   claim 28 we talked about which include that element for
24   converting, did we see at least two product catalogs?
25   A   Yes, we did.

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1   Q   And were you able, using the UNSPSC, to find items that
2   were similar, generally equivalent?
3   A   Yes, I converted that ThinkPad into a Dell.
4   Q   Thank you. Doctor, I'd like you to take a look at
5   Plaintiff's Exhibit 280, and can you identify what this
6   document is?
7   A   This is the Lawson Software response to Presbyterian
8   Healthcare Services.
9   Q   So this is another one of those responses to an RFP?
10   A   That's correct.
11   Q   And what is it dated?
12   A   March 22nd, 2005.
13   Q   And if you could take a look at the page that begins with
14   barcode 196, if you would, sir. And here -- which has a Bates
15   number that ends 848.
16   A   Yes, I'm there.
17   Q   And here Presbyterian Hospital, in this -- here Lawson, in
18   this response to the request for proposal from the Presbyterian
19   Healthcare Services, is ask asking about requisitioning
20   capability from Lawson; is that right?
21   A   Yes. That's exactly what it says.
22   Q   And it says in the requisitioning capability, it's asking
23   to describe your ordering tools for various types of items,
24   stock, nonstock, and non-catalogs; do you see that?
25   A   Mike, it is below there. There it is.

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1   Q   Did we see the ability to select those product catalogs to
2   search?
3   A   We did that through the categories.
4   Q   Tell me what two product catalogs we saw?
5   A   Office Max and Baxter Healthcare.
6   Q   Did we also see Dell and Diablo?
7   A   Yeah, that's right, we did.
8   Q   And was there an ability to select the product catalogs?
9   A   Yes, we did it through the categories.
10   Q   Was there an ability to search for matching items in those
11   product catalogs?
12   A   We did that.
13   Q   How did we do that?
14   A   We put in the -- we did the category search by marching
15   through the UNSPSC codes, picking a commodity and then picking
16   items.
17   Q   Once you had selected those items from the office, from
18   the shopping cart, were you able to put them into a
19   requisition?
20   A   Yes.
21   Q   And did you -- were you able, from that requisition, after
22   you got the appropriate approvals which are not part of the
23   claims of the -- elements of claim, excuse me, were you able to
24   generate one or more purchase orders from that requisition?
25   A   Yes, we did.

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1   Q   Okay. And the response, is that on the next page?
2   A   That's on the next page.
3   Q   Let me -- okay, let's go to the next page. And in
4   response to this RFP, this Lawson requisition, is that one of
5   the modules that you've been describing today?
6   A   It is.
7   Q   What does it say that the capability is of Lawson
8   requisitions that Lawson is representing to the Presbyterian
9   Healthcare Services?
10   A   That first paragraph says, Lawson requisitions enables
11   users to view online catalogs for stock and nonstock items,
12   select items from the catalog or a template, and add additional
13   comments to their requisitions.
14   Also, requesters can add non-catalog items such as service
15   or specials through item free form input. Additionally,
16   requester can view all previously created requisitions and
17   status with requisition inquiry.
18   So this tells us that the users can view online catalogs,
19   they can select items, and they can prepare requisitions.
20   Q   And this is using that requisitions module that you
21   described; is that right?
22   A   It is.
23   Q   Let me ask you, there's an additional question on this
24   page where Presbyterian Healthcare Services asks Lawson to
25   quote, describe your system's ability to establish global

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1   MR. ROBERTSON: I don't know who he's going
2   to question about it.
3   THE COURT: I'm sure he's going to question
4   Dr. Weaver based on what he said. Not because I'm
5   prescient or anything.
6   MR. ROBERTSON: I guess I don't have an
7   objection to that.
8   THE COURT: Well, good then. We solved
9   something.
10   Raise the blinds so that in the morning it
11   will be open.
12   All right. I think that's everything. And
13   you don't expect to finish tomorrow, is that right,
14   Mr. Robertson? You don't expect to finish tomorrow,
15   is that what your situation is?
16   MR. ROBERTSON: I do not, sir. I expect Mr.
17   McDonald might have a half an hour or 45 minutes of
18   cross-examination.
19   THE COURT: If you ask your questions bullet
20   points, 30 minutes is plenty. Once you get beyond
21   that, the expert bets you is generally what happens.
22   All right. Okay. So we're not going on
23   Monday. You're going back on Tuesday. Thank you very
24   much. Hope you feel better, all of you. Don't bring
25   anything else up here.

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2   (The proceedings were adjourned at 5:15 p.m.)
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1          IN THE UNITED STATES DISTRICT COURT
2          FOR THE EASTERN DISTRICT OF VIRGINIA
3                  RICHMOND DIVISION
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5    ---------------------------------------
                              :
6    ePLUS, INC.              :  Civil Action No.
                              :  3:09CV620
7    vs.                      :
                              :
8    LAWSON SOFTWARE, INC.    :  January 7, 2011
                              :
9    ---------------------------------------
10
11       COMPLETE TRANSCRIPT OF THE JURY TRIAL
12        BEFORE THE HONORABLE ROBERT E. PAYNE
13       UNITED STATES DISTRICT JUDGE, AND A JURY
14
     APPEARANCES:
15
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23
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1              P R O C E E D I N G S
2
3       THE CLERK:  Civil action number 3:09CV620, ePlus,
4    Incorporated, versus Lawson Software, Incorporated.  Mr. Scott
5    L. Robertson, Mr. Craig T. Merritt, Ms. Jennifer A. Albert, Mr.
6    Michael G. Strapp, and Mr. David Young represent the plaintiff.
7       Mr. Daniel W. McDonald, Mr. Dabney J. Carr, IV, Ms.
8    Kirstin L. Stoll-DeBell, and Mr. William D. Schultz represent
9    the defendant.  Are counsel ready to proceed?
10      MR. ROBERTSON:  Yes, Your Honor.
11      MR. McDONALD:  Yes, sir.
12      THE COURT:  Good morning.  Good morning, ladies and
13   gentlemen.  I was informed by the clerk that you all needed to
14   know the procedure for asking questions, and if you have
15   questions, it's all right.
16      I think the best way to do this is for you to write
17   your question out and then send it up to Mr. Neal, and he'll
18   give it to me, because there's some kind of questions that,
19   perhaps, are better -- I will tell you immediately, I can't
20   answer that or we can't get into that.
21      Others -- and I found this to be the case most of the
22   time.  Other questions are very helpful to the lawyers to have,
23   because if you have -- you are the ones who have to decide the
24   case, and if you have a question, they need to know it and need
25   to work out a way to get the information to you through their
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1    questions.
2       So if you feel like you have a question, you can
3    write them out, send them to me, and I'll take them and look at
4    them.  Unless it's something that I can't allow, we'll work out
5    a way to get you the information that you need.
6       You all look like you're not as drained as you were
7    when you left yesterday afternoon.  I feel the same way, so
8    let's get a fresh start.  Let's go ahead, Mr. Robertson.
9       MR. ROBERTSON:  Thank you, Your Honor.  Good morning.
10
11       ALFRED C. WEAVER,
12   a witness, called by the plaintiff, having been previously
13   duly sworn, testified as follows:
14          DIRECT EXAMINATION
15   BY MR. ROBERTSON:  (resuming)
16   Q   Good morning, Dr. Weaver.
17   A   Good morning, Mr. Robertson.
18   Q   I'd like to start out looking at Plaintiff's Exhibit
19   Number 219, if I could, sir, in binder number five.  Before we
20   get there, I have a few preliminary questions.
21      Do you know whether or not Lawson provides services to its
22   customers to assist them in importing vendor catalog data into
23   its item master?
24   A   Yes, I do.  There was witness testimony to that from the
25   customers.
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1   the previous one that was not. So this case is satisfactory,

2   so I'll choose this one. So continue.

3   I'll add it to my Dell shopping cart. So here's that

4   description. I'll change the quantity to three. I'll create

5   the order, and I'll do the trade compliance. Continue. So

6   here we have the verify and submit. So there is my case,

7   quantity three. That's all right, so I'll submit the order.

8   Stop. So now that I've submitted that order, I have

9   checked out of the Dell site, and here in my Lawson shopping

10   cart I have three roller cases and one incandescent halogen

11   lamp. Continue. So I'm going to check out. I guess I'm going

12   to look at the lamp again. Okay.

13   So here is the detail on the lamp, and -- stop. If you

14   will recall, this one came from Gexpro. Continue, and I'll

15   look at the detail on the laptop cases. So there's my rolling

16   laptop case, and this comes from the Punchout site, from Dell

17   computer.

18   All right. So I'm satisfied with this, so I check out,

19   and now this is saving the Lawson shopping cart into temporary

20   storage where I can turn it into a requisition and then into a

21   purchase order. So back to the portal. You've seen the

22   approval before. I find my requisition number 940. There's my

23   halogen lamp and my three roller cases, so I approve that.

24   Then I'll run that PO 100 program.

25   I give it a job description, I fill in this required

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1   information. Don't need the filters. Now we'll submit this

2   job. The job name RQ 940 is running. I go to the print

3   manager, I get the requisition -- the purchase order and --

4   stop.

5   Here at the top of the purchase order we have the

6   information on the buyer, Metropolis Medical Center. Continue.

7   Stop. So here is our roller laptop case, quantity three

8   coming from Dell Computer, purchase order released. Continue.

9   Stop. And so here then is our second item, the incandescent

10   halogen lamp. It's coming from Gexpro, quantity one, PO

11   released, and the report is complete, two purchase orders

12   created. That's the end.

13   Q   Doctor, in this process in which you searched among

14   product catalogs and an internal catalog database, and you went

15   to an external catalog database at the Lawson Punchout partner

16   Dell, at any time, have you left the Lawson system while doing

17   that?

18   A   Never.

19   Q   Now, Doctor, you talked a little bit about the UNSPSC

20   classification coding yesterday for finding items of general

21   equivalents that could be substituted for each other; you are

22   familiar with that?

23   A   Yes.

24   Q   I don't want to go through the whole segment and family

25   and class and commodity code again, but I do want to ask you --

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1   you may have touched on this yesterday, but is there a module

2   that Lawson provides that permits you to -- a program that

3   permits you to automatically upload that UNSPSC classification

4   schema?

5   A   Yes, there is.

6   Q   What inventory module -- excuse me. What module does that

7   come with?

8   A   Inventory control.

9   Q   Is that one of the core modules that you have to have in

10   order to do this procurement process?

11   A   Right. It's one of the three in my blue box.

12   Q   Does Lawson tell the customers where it can obtain these

13   codes?

14   A   Yes. It tells you the website to go to.

15   Q   And does Lawson have a program in that inventory control

16   where you can automatically download those?

17   A   Yes, it does.

18   Q   I'd like you -- well, let me as you this: Have you

19   reviewed documents explaining how these UNSPSC codes work in

20   the procurement process?

21   A   I certainly have.

22   Q   Could I ask you to go to Plaintiff's Exhibit Number 11

23   which is in volume one? Now, at the top of this, there's an

24   organization called Grenada Research; do you see that?

25   A   I do.

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1   Q   Is that associated with Lawson in any way?

2   A   No.

3   Q   So this is some independent third party who is going to

4   tells us about using UNSPSC coding?

5   A   That's right.

6   Q   It's called a white paper. What's a white paper, if you

7   know?

8   A   A white paper is a statement of position, so it's what you

9   know or what you think about a subject. It's intended to

10   educate.

11   Q   Underneath there, there's a -- what does it say as to

12   these UNSPSC codes?

13   A   So the white -- the topic of the white paper is why coding

14   and classifying products is critical to success in electronic

15   commerce.

16   Q   Can you go to page five of this exhibit. There's a

17   heading right in the middle called, for finding and purchasing;

18   do you see that?

19   A   I do.

20   Q   There's a table that says, classifying products and

21   services supports procurement activities; do you see that?

22   A   I do.

23   Q   Do you agree with that statement?

24   A   Yes.

25   Q   And there is a pros and cons. Do you see that?

893

Weaver - Cross   893

1   this doesn't involve selecting, this claim doesn't involve

2   selecting catalogs.

3   MR. McDONALD: Well, I asked him what is the portion

4   of the specification that corresponds to this and if there's

5   anything else. I'm just trying to get a description in the

6   patent that relates to this claim, Your Honor.

7   THE COURT: How can a description in the patent that

8   describes a catalog relate to a claim that doesn't involve

9   catalogs? That's what -- maybe you can pursue that to see if,

10 in fact, this is a correct focus.

11 Q   Well, Dr. Weaver, can you tell me why you understood that

12 this section here of column nine of the '172 patent that I've

13 been starting to quote from, this does correspond to the

14 description in the patent of a preferred embodiment of claim

15 one of the '172 patent?

16 A   It does, and, of course, you understand that that

17 specification of the three patents is the same. So this is

18 directly applicable to the other two patents, and because there

19 is electronic storage, while there are no catalogs, I

20 interpreted your question more broadly as referring to the

21 contents of the database, but it's very clear this is talking

22 about catalogs.

23 Q   So is this an embodiment in any way of a product that

24 would be covered by claim one of the '172 patent?

25 A   I think it would be.

894

Weaver - Cross   894

1   Q   And so we've got this list in this embodiment describing

2   there are four catalogs; correct?

3   A   In this example.

4   Q   Right. This is the example at the bottom of column nine;

5   correct?

6   A   Correct.

7   Q   And the patent describes them giving the user a chance to

8   select which of those catalogs they want to search; correct?

9   A   Correct.

10 Q   What is your understanding as to why the user is given

11 that opportunity to select catalogs?

12 A   To avoid searching the entire database.

13 Q   And then once those catalogs are selected as described

14 here beginning at column nine, then the system does a search on

15 the selected catalogs; correct?

16 A   Yes.

17 Q   So the user does the selecting; correct?

18 A   Well, the user -- the user and the system together select.

19 Q   Now, you did a report regarding your infringement opinions

20 in this case; correct?

21 A   I did.

22 Q   And you understand that your testimony here needs to be

23 consistent with that report; correct?

24 A   Yes.

25 Q   And that report is a complete description of your opinions

895

Weaver - Cross   895

1   in this case?

2   A   Yes.

3   Q   And that report does have discussion specifically of claim

4   one of the '172 patent; correct?

5   A   Yes.

6   Q   Now, if we go -- return now to claim one on the screen,

7   please. If you go to the fourth element here, that one has

8   means for generating an order list that includes at least one

9   matching item selected by said means for searching; correct?

10 A   Correct.

11 Q   The Court did construe the term order list; correct?

12 A   Yes.

13 Q   The Court construed that as a list of desired catalog

14 items; correct?

15 A   Correct.

16 Q   In your opinion, you stated in your report, didn't you,

17 that the accused Lawson systems satisfied the claim element

18 that requires a list of desired catalog items. I'll rephrase

19 that question. Your report says that in your opinion, the

20 accused Lawson systems satisfy the element that includes this

21 term order list; correct?

22 A   I did say something like that. If you'd like to point me

23 to a particular part of my report, I can verify that.

24 Q   All right.

25   MR. McDONALD: May I approach, Your Honor?

896

Weaver - Cross   896

1   THE COURT: Does he need both of those?

2   MR. McDONALD: I gave two so you could have one.

3   THE COURT: Okay. I didn't know whether it was a

4   different product. Thank you.

5   Q   Turn to page 85 of your report, Dr. Weaver.

6   A   85.

7   Q   Do you see at the bottom of page 85 there, Dr. Weaver,

8   there is a paragraph -- excuse me. This is your expert report

9   you did on infringement for this case, the initial report;

10 right?

11 A   Yes, sir, it is.

12 Q   This is where you tried to put all your opinions in

13 together with the appendixes that are referenced in here;

14 right?

15 A   Right.

16 Q   In paragraph 195 here of page 85, do you see there where

17 you start off by saying, quote, further, I understand that the

18 Court has construed the claim term order list as used in claim

19 one of the '172 patent as, quote, a list of desired catalog

20 items, period, close quote; do you see that?

21 A   Yes.

22 Q   Then you went on to say, in my opinion, the accused Lawson

23 systems satisfied this element do; you see that?

24 A   Yes.

25 Q   Then you went on to provide the reasons for that opinion;

897

Weaver - Cross   897

1   correct?

2   A   Sure.

3   Q   And then the next sentence said, desired items included in

4   results of searches of product catalogs, which then put in

5   parentheses as, quote, catalog items, quote, may be selected

6   and placed in a, quote, shopping cart, quote. This shopping

7   cart constitutes an order list. See appendix three at 66-67.

8   Do you see that?

9   A   I do.

10 Q   So isn't it true that your opinion about why the Lawson

11 systems satisfied claim one of the '172 patent, and

12 specifically the portion of that claim that refers to an order

13 list was based in part on your analysis concluding that desired

14 items included in results of searches of product catalogs which

15 you called catalog items may be selected and placed in a

16 shopping cart; correct?

17 A   Correct.

18 Q   I'd like to turn now to the diagrams you had where you

19 stacked all the different systems on top of each other. Can we

20 turn to, I think it's slide number 13?

21   THE COURT: Are you using theirs? Do you need him to

22 do that, or do you have --

23   MR. McDONALD: We cheated and got a copy of theirs to

24 put on our system.

25   THE COURT: That's not cheating. That's just being

898

Weaver - Cross   898

1   efficient.

2   Q   Dr. Weaver, you can use either the paper version or the

3   one up on the screen. Let me know when you're ready, please.

4   A   Okay.

5   THE COURT: What exhibit is this, Mr. McDonald, so we

6   know about it?

7   MR. ROBERTSON: It's not an exhibit, Your Honor.

8   It's simply a demonstration by Dr. Weaver.

9   Q   Ready?

10 A   Yes.

11 Q   So this looks familiar, right, from your examination by

12 Mr. Robertson, I trust?

13 A   Yes.

14 Q   This first slide here that's up on the screen shows the

15 yellow rectangle which is platform technology foundation;

16 correct?

17 A   Correct.

18 Q   It's got two little dashed boxes in it called Lawson

19 system foundation and process flow; right?

20 A   Correct.

21 Q   Now, it's your opinion that what's shown here, that

22 doesn't infringe any claims; correct?

23 A   Not by itself.

24 Q   Now, with the technology, platform technology foundation,

25 are there any other aspects to that that you are talking about

899

Weaver - Cross   899

1   other than the Lawson system foundation and process flow?

2   A   No, because when I looked at the procurement suite, the

3   requisitions and the inventory control, requisitions module all

4   require these two fundamental --

5   Q   I guess I was asking that question because the fact that

6   those two boxes for Lawson system foundation and process flow,

7   they only take up a little part of this big yellow box, but

8   really, are they the whole yellow box, in effect?

9   A   No, there's more.

10 Q   There is more. What else would be in there?

11 A   These are the only two relevant to our discussion.

12 Q   Okay, but do you know what else is in there or not?

13 A   I don't.

14 Q   But in any event, that one does not infringe even with

15 whatever foundational modules there are; is that fair?

16 A   Yes.

17 Q   So now we go to the next slide, 14. This is, I think --

18 system number one is sometimes how this was referred to; right?

19 The Lawson accused system with the purchase order,

20 requisitions, and inventory control modules on top of the

21 foundation; right?

22 A   Correct.

23 Q   Can you show -- can you use the press-sensitive screen

24 here and show me, in this system here, where is it, if

25 anywhere, that you understand vendor data is loaded into the

900

Weaver - Cross   900

1   Lawson system? Where does it come into the Lawson system?

2   A   Through the inventory control module.

3   Q   And then the data, as I understand your testimony, it

4   winds up in the item master?

5   A   Correct.

6   Q   And you would agree that it's changed somehow from when it

7   comes in; right?

8   A   It can be changed. There are programs that will convert

9   it if needed.

10 Q   Are there some times, in your opinion, it doesn't change

11 at all from how it comes into the Lawson system?

12 A   That's possible.

13 Q   Do you know whether that's actually a function that the

14 Lawson system has or not?

15 A   No, but it's common sense if you are moving data from one

16 Lawson system to another Lawson system, it would not need

17 reformatting, so I think it's plausible that it works without

18 reformatting.

19 Q   And the data as reformatted if necessary, where does it

20 wind up?

21 A   In the item master and vendor item table. Excuse me.

22 Item master and vendor item table.

23 Q   Are those things a database?

24 A   Collectively, along with an item location table, yes.

25 Q   Where in this picture we have up on the screen right now,

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 1      IN THE UNITED STATES DISTRICT COURT
 2     FOR THE EASTERN DISTRICT OF VIRGINIA
 3            RICHMOND DIVISION
 4
 5   -------------------------------------
                                      :
 6   ePLUS, INC.              :  Civil Action No.
                             :  3:09CV620
 7   vs.                      :
                             :
 8   LAWSON SOFTWARE, INC.       :  January 12, 2011
                             :
 9   -------------------------------------
10
11     COMPLETE TRANSCRIPT OF THE JURY TRIAL
12      BEFORE THE HONORABLE ROBERT E. PAYNE
13     UNITED STATES DISTRICT JUDGE, AND A JURY
14
     APPEARANCES:
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1189

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1190

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 1         P R O C E E D I N G S
 2
 3      THE CLERK:  Civil action number 3:09CV00620, ePlus,
 4   Incorporated, versus Lawson Software, Incorporated.  Mr. Scott
 5   L. Robertson, Mr. Craig T. Merritt, Ms. Jennifer A. Albert, Mr.
 6   Michael G. Strapp represent the plaintiff.
 7      Mr. Daniel W. McDonald, Mr. Dabney J. Carr, IV, Ms.
 8   Kirstin L. Stoll-DeBell, and Mr. William D. Schultz represent
 9   the defendant.  Are counsel ready to proceed?
10      MR. ROBERTSON:  Plaintiff is, Your Honor.
11      MR. McDONALD:  Yes, Your Honor.
12      THE COURT:  All right.  You said you wanted to see me
13   before the jury comes in.
14      MR. McDONALD:  Yeah, there's basically three issues
15   we wanted to raise.
16      THE COURT:  The court reporters always can hear
17   better if you come to the lectern.
18      MR. McDONALD:  There's basically three issues that we
19   wanted to raise this morning.  One is our third witness in our
20   case that we start today is Ms. Raleigh.
21      THE COURT:  Third witness in what?
22      MR. McDONALD:  In our case when we start presenting
23   our case today.  We have Mr. Richard Lawson first, Mr.
24   Christopherson second, and then Hannah Raleigh was supposed to
25   come back and be third today.
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1191

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 1      She was supposed to be back last night from New York,
 2   and New York is getting hammered real bad by this blizzard.
 3   She's trying to get another flight, but her flight is not going
 4   to get her here until after the trial day is over today.  So
 5   we've been trying to work something out with ePlus about what
 6   we would do next because we haven't disclosed any exhibits or
 7   anything for the next witness.
 8      THE COURT:  Just call the next witness, the expert or
 9   whoever you've got here.  There's no magic to the order of
10   putting people on.
11      MR. McDONALD:  The next witness we would have
12   actually here is Mr. Lohkamp, calling him back.
13      THE COURT:  Good.
14      MR. McDONALD:  That's fine.  They haven't had a
15   chance to get ready for their cross-examination.
16      THE COURT:  They'll be ready.  They knew basically
17   what you were going to do anyway.  They're not going to do it
18   on your cross-examination; they were going to do redirect, so
19   we're going to reverse things.
20      MR. McDONALD:  We do have a deposition of Ms.
21   O'Loughlin on the RIMS prior art issue that we can move up in
22   the order.
23      THE COURT:  Is that carefully edited to eliminate the
24   trash?
25      MR. McDONALD:  That's being worked on as we speak,
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1244

1 and placed into the keyword detail table. For each item, there
2 is a corresponding keyword and an origin field.
3 Q   And what database tables are indexed by the keyword detail
4 table?
5 A   My understanding is that at minimum, the ITEMMAST,
6 POITEMVEN, and ITEMLOC tables.
7 Q   In the context of this source code, what is the purpose of
8 having an index like the keyword detail table?
9 A   It's common practice to create an index to -- an
10 optimization to increase the speed of the search and to
11 eliminate to need to search the whole collection of data when
12 you can condense it to an index that you can search more
13 rapidly.
14 Q   Can you explain how the item vendor table or the POITEMVEN
15 table is used in the implementation of a keyword search in the
16 source code?
17 A   After the search is performed against the keyword tables
18 and item information is being retrieved, corresponding vendor
19 information for the items is retrieved from the POITEMVEN
20 table.
21 Q   Do the records in the item vendor or POITEMVEN table link
22 in any way to the records in the item master or ITEMMAST table?
23 A   Yes, they do. They contain a field which holds the item
24 number for a given item in the ITEMMAST table.
25 Q   Have you prepared a demonstrative to help you explain how

1245

1 the information in these two tables can be related?
2 A   Yes, I have.
3   MS. ALBERT: Mike, can we have slide 68, please.
4 Q   Is this the demonstrative that you prepared?
5 A   Yes, it is.
6 Q   Now, using your demonstrative, would you please explain
7 how records in the item vendor or POITEMVEN table can be
8 related to records in the item master table or ITEMMAST table?
9 A   Yes. So within the ITEMMAST table, or the item master
10 table, there is a field called ITITEM which holds the item
11 number for that item. That item number uniquely identifies the
12 item within the ITEMMAST table.
13   The PO item vendor table then can -- given record within
14 that table can refer to an item within the ITEMMAST table using
15 that unique number. It's what's known as a key field in the
16 ITEMMAST table. Within the POITEMVEN table, there's a field
17 called PIV item which holds that number, and, therefore, if you
18 want to, for a given item in the POITEMVEN table, you can point
19 back to a specific unique item within the ITEMMAST.
20   MS. ALBERT: Mike, could we go back to slide 24,
21 please.
22 Q   Now, going back to your demonstrative on keyword search
23 query execution, can you explain how the keyword search
24 functionality is implemented in the Lawson system source code?
25 A   Yes. So after the user enters a search term in the

1246

1 browser and hits the search button, the search term is conveyed
2 as part of a request to the server side components which causes
3 the Lawson 4GL COBOL program called RQIC to be executed. The
4 RQIC program ultimately performs a search of the keyword detail
5 table for occurrences of that term that have been previously
6 indexed.
7   Any matching records from the keyword detail table are
8 then used to find the corresponding items in the ITEMMAST table
9 and data gets gathered from the PO and ITEMLOC tables. All of
10 those results are formatted as XML and ultimately returned to
11 the item web browser and formatted as a search word.
12 Q   When the search code searches the keyword tables to locate
13 the keywords that the user typed in, does the source code
14 search the item master table at all?
15 A   No, it does not. It only searches the keyword detail
16 table and the associated keyword tables.
17 Q   Now, I'd like to turn to the functionality for the adding
18 items to a shopping cart and building a requisition. Does the
19 source code of the Lawson system implement functionality that
20 allows a user to select desired items for requisition from a
21 list of results returned from either this category or keyword
22 search that you discussed?
23 A   Yes, it implements a shopping cart functionality whereby
24 the user can indicate that an item from a search result should
25 be added to the shopping cart. Items can be added and removed

1247

1 until checkout operation is performed. Similar to the way you
2 shop on Amazon or another web business.
3 Q   Now, what, if any, database tables are involved in this
4 shopping cart functionality?
5 A   There are three. Two of them are prefixed with the term
6 REQ. One is called REQHEADER and the other is called REQLINE.
7 The third is called PO interface which we mentioned before,
8 POITERFAC.
9 Q   And what information is stored in that REQLINE table
10 that's relevant to the shopping cart functionality?
11 A   The REQLINE table holds the individual line items
12 representing items that were selected to be added to the
13 shopping cart.
14 Q   Does this REQLINE table also contain a status field?
15 A   Yes, it does. In addition to the item information, it
16 contains a status which can indicate that the item is either --
17 while in the shopping cart, it's in a state called unreleased.
18 Q   What does that mean?
19 A   It means that it is part of a shopping cart and not yet
20 part of a requisition.
21 Q   And is there another status that can be indicated in this
22 status field in addition to the unreleased status that you
23 mentioned?
24 A   Yes. So I'd just say both the REQLINE and REQHEADER table
25 that I mentioned which are involved in this contain a status

1248

1 field which indicates the disposition of the information,

2 whether it's part of the shopping cart or whether it's part of

3 requisition, that the two values can be what's called

4 unreleased or released.

5   It indicates it's either in a status of unreleased or

6 released where unreleased is the status used while the items

7 are in the shopping cart, and released is -- indicates that

8 they are now part of the requisition.

9 Q   What information is stored in that REQHEADER table that's

10 relevant to the shopping cart function?

11 A   The REQHEADER table represents the shopping cart as a

12 whole in this case, and it groups the REQLINE records together.

13 Q   Can you explain how this shopping cart functionality is

14 implemented in the source code?

15 A   Yes. So as the user indicates that they would like to add

16 an item to the shopping cart, when the user indicates the item

17 should be added to the shopping cart, the item number for that

18 item is conveyed as part of a request to the server side at

19 which point a Lawson 4GL COBOL program is executed to add a

20 line to the REQLINE, add a record to the REQLINE table

21 corresponding to that item.

22 Q   Have you created some demonstrative to show what happens

23 in the source code when the user clicks on the checkout button

24 after he has added items to the shopping cart?

25 A   Yes, there should be two.

1249

1   MS. ALBERT: Mike, can we go first to slide 25,

2 please.

3 Q   Now, using these demonstratives, would you please explain

4 what happens in the source code when the user clicks on that

5 checkout button after he's added items to the shopping cart?

6 A   So when a user clicks on the checkout button, there's two

7 major -- two phases that happen, and this depicts the first.

8   If at this point a requisition header, REQHEADER record

9 has not previously been created, one will be created at this

10 time. This happens when a request is made from the client's

11 web browser to the server side causing the Lawson COBOL program

12 RQIB, or create requisition header which is shown here, to be

13 executed. That program adds a record to the REQHEADER table.

14 Q   What is a requisition header?

15 A   Again, in this case, it represents either the shopping

16 cart as a whole or the requisition as a whole. It serves to

17 group the requisition lines and to contain a status for the

18 overall shopping cart or requisition.

19   MS. ALBERT: Mike, can we go to slide 26, please.

20 Q   So now can you explain what happens in the source code in

21 the next step in this process?

22 A   In this step, there are two activities of importance.

23 This, again, is happening after the user has clicked the

24 checkout button. Request is -- second request is made from the

25 client's browser to the server side. In this case, the Lawson

1250

1 4GL COBOL program called RQIF, or release requisition, is

2 invoked.

3   Its first job is to update the status that I mentioned

4 before in both the REQHEADER and REQLINE tables from an

5 unreleased to a released value. The second step is to create

6 records in the PO interface table, POINTERFAC table, which make

7 those records, make that information then available to the

8 purchase order system.

9 Q   Are records created in this PO interface table at the time

10 when items are initially added to the shopping cart?

11 A   No. They are only created after the checkout operation is

12 performed.

13 Q   Are the records in the REQHEADER and REQLINE tables

14 available to the purchase order system prior to that checkout

15 button being pressed?

16 A   No, they are made available by virtue of the records in

17 the PO interface table.

18 Q   Now I'd like to turn to the process for generating a

19 purchase order. Does a source code of the Lawson system

20 implement functionality that generates one or more purchase

21 orders corresponding to the items listed in a requisition built

22 using the Lawson system?

23 A   Yes, it does. The user can use a program called PO 100 to

24 generate one or more purchase orders from a requisition.

25 Q   Does the source code indicate anything about when multiple

1251

1 purchase orders would be created from line items in a single

2 requisition?

3 A   Yes. As part of the purchase order generation process,

4 the requisition items are essentially sorted in order to

5 produce a separate purchase order for each vendor corresponding

6 to items in the requisition.

7 Q   Have you prepared a demonstrative to explain how this

8 functionality is implemented in the source code?

9 A   Yes, I have.

10   MS. ALBERT: Mike, could we have slide 27, please.

11 Q   Now, what, if any, database tables are involved in this

12 purchase order functionality?

13 A   There are three depicted here. The first is the PO

14 interface table which I mentioned previously. The two new

15 tables are -- one is called PURCHORDER, short for purchase

16 order, P-U-R-C-H-O-R-D-E-R, and the second is POLINE,

17 P-O-L-I-N-E, short for purchase order line.

18 Q   What information is stored in the PO interface table

19 that's relevant to the purchase order generation function?

20 A   Well, I mentioned before, this serves to make the

21 requisition information available to the purchase order system.

22 Q   And what information does the PURCHORDER or purchase order

23 table store that's relevant to the purchase order generation

24 function?

25 A   A record in the PURCHORDER table represents a specific